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10/714,153	11/14/2003	Kalpiti Jain	MSFT125728	2365
38991 7590 12/30/2008 CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
EXAMINER				
TECKLU, ISAAC TUKU				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/714,153

**Applicant(s)**

JAIN ET AL.

**Examiner**

ISAAC T. TECKLU

**Art Unit**

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 21-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-19 and 21-25 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-2, 6, 18, 21, 23 and 24 have been amended.
2. Claim 20 has been cancelled.
3. Claims 1-19 and 21-25 have been reexamined.

***Continued Examination Under 37 CFR 1.114***

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/08/2008 has been entered.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-19 and 21-25 have been considered but are moot in view of the new ground(s) of rejection. See Othmer et al. (US 6,266,788 B1), new art made of record.

*Specification*

6. The disclosure is objected to because of the following informalities: The specification is devoid of terms such as "apparatus" as recited in claims 23-24. The specification is inconsistent with terms recited in claims 10-16. The specification should be written in "full, clear, concise, and exact terms". Appropriate correction is required.

*Claim Rejections - 35 USC § 101*

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 6-17 and 23-24 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

Specifically, claim 6 recites a web portal comprising a search panel and task panel. Claims 23-24 recite, an apparatus comprising means for aggregating application issue, means for gathering application issue data and means for presenting the aggregated application issue data. From the specification (page 11, paragraph [0038] and FIGURE 3 and 4), the above recited web portal and apparatus are software; and the claim lacks teaching to enable one skill in the art to reasonably construe that a hardware or tangible device is supporting the functionality of the

software entities thus claimed. Further, there is no explicit and deliberate definition therein by which the 'web portal and apparatus' as recited can only be construed as one meaning, e.g. that is actually defined a computer. As a whole, the claim amounts to reciting software entities with lack of further information whatsoever about any hardware beside the claimed 'web portal and apparatus'. Therefore, the above claims comprise solely software entities without any such tangible support or hardware/executing engine to carry the functionality of these software entities, is not reasonably perceived as able to yield a tangible result. Because software instructions without physical storage and computer hardware execution engine in conjunction with that storage would not be perceived as being able to carry out any functionality. The claim hence fails to fulfill the Practical Application Test as set forth above; and is rejected for leading to non-statutory subject matter.

Claims 7-17 are rejected for also failing to provide a hardware-based or tangible embodiment that would support the functionality of the recited elements of the base claim 6.

*Claim Rejections - 35 USC § 102*

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-19 and 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Othmer et al. (US 6,266,788 B1), hereinafter Othmer.

As per claim 1 (Currently amended), Othmer discloses a portal server for a network of computing devices for aggregating application issue data from a quality of independent software vendors (ISVs) (e.g. FIG.\_1, SERVER 32 and items 34 and related text), the portal being accessible by one or more application developers of the ISVs via a network computing device (e.g. FIG.\_3, step 194 and related text), the portal server comprising:

a data interface for accessing a quality of application issue data sources for obtaining application issue data regarding one or more applications associated with each of the ISVs (see at least col.5:40-55 "...URL application was displaying..."), the application issue data including blocking issue data (see at least col.5:1-30 "... error... deadlock situation ..."), quality issue data (see at least col.5:15-30 "... error condition ... analysis best fits the information..."), and compatibility fix issue data (see at least col.5:40-55 "... bugs or problems..." and col.6:50-65 "... call chain matches... same problem..." and e.g. FIG.\_5 and related text);

a network interface accessible by each of the one or more application (see at least col.5:40-55 "...URL application was displaying..."); and

an aggregation module for aggregating the application issue data by application (e.g. see at least FIG.\_2, steps 174-176 and FIG.\_4, step 208 and related text) and for presenting to each of the one or more application developers via the network interface a customizable user interface that presents the aggregated application issue data regarding only the one or more applications associated with that application developer (see at least col.5:40-55 "...URL

application was displaying...") and ~~omitting omits~~ application issue data for applications not associated with that ISV (see at least e.g. FIG. 4, step 208, the presentation including the names of the applications associated with the ISV, a number of blocking issue data items associated with each application, a number of quality issue data items associated with each application, an a number of compatibility fix issue data items associated with each application, wherein (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG. 5, Number of incidents and related text).

each application name is a hyperlink to an issue list comprising application issue data for the corresponding application (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible...")<sub>2</sub>

each number of the blocking issue data items is a hyperlink to an issue list comprising blocking issue data for the corresponding application (see at least col.1:60-67 - col.2:1-10 "... links between pieces of data that contain information about the same event..." and col.5:40-55 "...URL application was displaying...")<sub>2</sub>

each number of the quality issue data items is a hyperlink to an issue list comprising quality issue data for the corresponding application (see at least col.5:40-55 "...URL application was displaying...")<sub>2</sub> and

each number of the compatibility fix issue data items is a hyperlink to an issue list comprising compatibility fix issue data for the corresponding application (see at least col.1:60-67 - col.2:1-10 "... links between pieces of data that contain information about the same event..." and col.5:40-55 "...URL application was displaying...")<sub>2</sub>

As per claim 2 (Currently amended), Othmer discloses the portal server according to claim 1, wherein the aggregation module is further operable to prioritize the application issue data according to at least one criterion at the request of an application developer (see at least col.6:55-65 "... frequency counter... development team to focus..." and e.g. FIG.\_3, steps 182, 186 and 192-194 and related text).

As per claim 3, Othmer discloses the portal server according to claim 2, wherein the at least one criterion includes one or more criteria selected from the group consisting of issue id, application name, application version, issue type, issue priority, operating system, and number of issue reports per issue (see at least col.12:25-40 and e.g. FIG.\_5 and related text).

As per claim 4, Othmer discloses the portal server according to claim 1, wherein the quality of application issue data sources comprise a database of logo certification test results performed on at least one application by a party other than the application developer and a database of user- reported computer crash data (see at least col.13:20-40 and e.g. FIG.\_5 and related text).

As per claim 5, Othmer discloses the portal server according to claim 4, wherein the quality of application issue data sources further comprise an additional database of application experience test data (see at least col. 10: 1-10 correlated results are made available...").



As per claim 6 (Currently amended), Othmer discloses a web portal user interface for presenting application issue data to a user (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." comprising:

a search pane for user entry of at least one search term, whereby entry of at least one search term coupled with a run command will cause a search to be executed of aggregated application issue data (see at least col.12:14-25 "... new search on the database listing..." and;

a task pane for user selection of a format for display of application issue data (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." and col.13:20-40 and e.g. FIG.\_5 and related text); and

a content pane for display of application issue data (e.g. see at least FIG.\_2, steps 174-176 and FIG.\_4, step 208 and related text), the presentation including the names of the applications associated with the ISV, a number of blocking issue data items associated with each application, a number of quality issue data items associated with each application, an a number of compatibility fix issue data items associated with each application, wherein (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG.\_5, Number of incidents and related text).

each application name is a hyperlink to an issue list comprising application issue data for the corresponding application (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." )<sub>2</sub>

each number of the blocking issue data items is a hyperlink to an issue list comprising blocking issue data for the corresponding application (see at least col.1:60-67 - col.2:1-10 "... links between pieces of data that contain information about the same event..." and col.5:40-55 "...URL application was displaying..."),

each number of the quality issue data items is a hyperlink to an issue list comprising of quality issue data for the corresponding application (see at least col.5:40-55 "...URL application was displaying..."), and

each number of the compatibility fix issue data items is a hyperlink to an issue list comprising compatibility fix issue data for the corresponding application (see at least col.1:60-67 - col.2:1-10 "... links between pieces of data that contain information about the same event..." and col.5:40-55 "...URL application was displaying..."),

As per claim 7, Othmer discloses the web portal user interface according to claim 6, wherein the user is an application developer of one or more applications, and the application issue data available to the user in the content pane relates to those one or more applications (see at least col.5:40-55 "...URL application was displaying...") and omits data related to applications other than the one or more applications (see at least e.g. FIG. 4, step 208 and related text).

As per claim 8, Othmer discloses the web portal user interface according to claim 7, wherein the task pane contains a listing of available formats (see at least col.5:40-55 "...URL

application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." and col.13:20-40 and e.g. FIG.\_5 and related text).

As per claim 9, Othmer discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a summary format (see at least col. 10: 1-10 correlated results are made available..." and e.g. FIG.\_5 and related text).

As per claim 10, Othmer disclose the web portal user interface according to claim 9, wherein each application issue has associated therewith number of reports of that issue col. 10: 1-10 correlated results are made available..."”), and wherein the summary format comprises a graphical illustration of the number of reports associated with each of a subset of application issues, each application issue in the subset having associated therewith more reports than any of the remaining issues not in the subset (e.g. FIG.\_5 and related text).

As per claim 11, Othmer discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a format wherein each of the one or more applications is listed and is visually associated with information regarding application issues for that application col. 10: 1-10 correlated results are made available..."”).

As per claim 12, Othmer discloses the web portal user interface according to claim 11, wherein the information visually associated with each of the one or more applications comprises

an indication of the total number of issues associated with that application (e.g. FIG.\_5 and related text).

As per claim 13, Othmer discloses the web portal user interface according to claim 12, wherein the applications issues each have one of a quality of types, and wherein the information visually associated with each of the one or more applications comprises an indication of the number of issues of each type associated with that application (e.g. FIG.\_5 and related text).

As per claim 14, Othmer discloses the web portal user interface according to claim 11, wherein the information visually associated with each of the one or more applications comprises an indication of the total number of issues associated with that application when used in conjunction with an indicated operating system (col. 10: 1-10 correlated results are made available..." and e.g. FIG.\_5 and related text).

As per claim 15, Othmer discloses the web portal user interface according to claim 8, wherein the listing of available formats comprises a format wherein all application issues associated with the one or more applications are presented (col. 10: 1-10 correlated results are made available..." and e.g. FIG.\_5 and related text).

As per claim 16, Othmer discloses the web portal user interface according to claim 15, wherein each application issue has an identifier, and wherein within the format wherein all application issues associated with the one or more applications are presented, the application

issues are grouped by application issue identifier (see at least col.12:25-40 and e.g. FIG.\_5 and related text).

As per claim 17, Othmer discloses wherein the search pane comprises selectable search filters (col. 6: 20-30 "... characterization filters which help...").

As per claim 18 (Currently amended), Othmer discloses a method of presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

gathering application issue data from a quality of data sources (see at least col.5:40-55 "... bugs or problems..." and col.6:50-65 "... call chain matches... same problem..." and e.g. FIG.\_5 and related text);

aggregating application issue data such that application issues pertaining to the same application are grouped together (e.g. FIG. 3 and related text) the application issue data including blocking issue data, quality issue data, and compatibility fix issue data (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG.\_5, Number of incidents and related text); and

presenting the aggregated application issue data visually to the developer of the one or more software applications by providing a user with selectable control for altering the order in which the application issues are presented (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." and col.13:20-40 and e.g. FIG.\_5 and related text).

As per claim 19, Othmer discloses the method according to claim 18, wherein gathering application issue data from a quality of data sources comprises gathering the application issue data from a database storing at least one item of user crash report data and a database storing at least one item of test report data (see at least col.5:40-55 "... bugs or problems..." and col.6:50-65 "... call chain matches... same problem..." and e.g. FIG.\_5 and related text).

As per claim 21 (Currently amended), Othmer discloses a method of presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

gathering application issue data from a quality of data sources ((see at least col.5:40-55 "... bugs or problems..." and col.6:50-65 "... call chain matches... same problem..." and e.g. FIG.\_5 and related text);

aggregating application issue data such that application issues pertaining to the same application are grouped together, the application issue data including blocking issue data, quality issue data, and compatibility fix issue data (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG.\_5, Number of incidents and related text); and

presenting the aggregated application issue data visually to the developer of the one or more software applications by presenting a subset of the data in a visual page and presenting a user-selectable page control for accessing one or more pages of remaining data (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." and col.13:20-40 and e.g. FIG.\_5 and related text).

Per claim 22 this is the computer-readable medium version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Othmer.

Per claim 23 (Currently amended), this is the apparatus version of the claimed method discussed above (Claim 18), wherein all claim limitations have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Othmer.

Per claim 24 (Currently amended), Othmer discloses an apparatus for presenting application issue data regarding one or more software applications to a developer of the one or more software applications comprising:

means for aggregating application issue data such that application issues pertaining to the same application are grouped together, the application issue data including blocking issue data, quality issue data, and compatibility fix issue data (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG.\_5, Number of incidents and related text);

means for gathering application issue data from a quality of data sources (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG.\_5, Number of incidents and related text); and

means for presenting the aggregated application issue data visually to the developer of the one or more software applications by presenting a subset of the data in a visual page and

presenting a user-selectable page control for accessing one or more pages of remaining data (see at least col.5:40-55 "...URL application was displaying..." and col.10:40-50 "... access the same URL and perform ... problem is reproducible..." and col.13:20-40 and e.g. FIG.\_5 and related text).

Per claim 25, Othmer discloses the method according to Claim 21, wherein gathering application issue data from a quality of data sources comprises gathering the application issue data from a database storing at least one item of user crash report data and a database storing at least one item of test report data (see at least col.11:35-55 "... incidents are broken down based on function names... parameter... unique key... grouped together ..." and e.g. FIG.\_5, Number of incidents and related text).

### *Conclusion*

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ISAAC T. TECKLU whose telephone number is (571) 272-7957. The examiner can normally be reached on M-TH 9:300A - 8:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571) 272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Isaac T Tecklu/  
Examiner, Art Unit 2192

/Tuan Q. Dam/  
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